

Application No. 10/067,829
Response dated January 28, 2004
Reply to Office Action of October 31, 2003

REMARKS

Claims 1-9 are pending in this application, of which claims 1-7 have been amended.

Claim Objections

Claim 1 was objected to since the last four lines of claim 1 are unclear. Office Action, page 2, lines 2 to 20.

Claim 1 has been corrected. The basis of the amendment is found at page 21, lines 1-8.

Claim Rejections – 35USC§103

Claims 5 and 6 were rejected under 35USC§103(a) as being unpatentable over Beason (US Patent No. 6,152,529) in view of Charles et al. (US Patent No. 6,330,837), Rogers (US Patent No. 6,120,095) and Kitadou et al. (US Patent No. 6,494,850). Office Action, page 3, last lines 10-8.

The linear motor of Charles et al. is adapted as actuator 18 as shown in Fig.2 of Charles et al. The invention of Charles et al. is directed to a parallel mechanism in which the actuator 18 moves platform 10 up and down. Charles et al. do not disclose to rock and sway a seat.

Even if the disclosures of Beacon and Charles et al. are in the same filed, there is no teaching or suggestion to modify the motor driven rocking chair of Beacon by replacing Beason's rotary motor 50 with Charles's actuator 18. The present invention uses a solenoid means and an 1/f spectrum fluctuation computing circuit in order to provide a rocking chair in which the seat is rocked so moderately as if it is rocked by human arms, so as to make an infant on the seat comfortable (page 28, last lines 5-1 of the specification). Thus, the reduction of the cost and maintenance requirements of the mechanical linkage as alleged by the Office Action would not motivate to replace Beason's rotary motor 50 with Charles's linier motor 18. Prima facie obviousness requires a reasonable expectation of success. "Obvious to try" a modification or combination of references does not establish prima facie obviousness.

In addition, neither Kotadoue et al. nor Rogers discloses motivation to combine one with the other to obtain a rocking char having an 1/f spectrum fluctuation computing circuit. Again, prima facie obviousness requires a reasonable expectation of success. "Obvious to try" a modification or combination of references does not establish prima facie obviousness.

Further, even if Beacon could be modified by Charles et al. and even if Kitadou et al. is combinable with Rogers, there is no suggestion in those references to utilize an 1/f fluctuation drive means in the modified Beason's device in order to make the device more relaxing, as alleged

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by the Office Action. Again, *prima facie* obviousness requires a reasonable expectation of success. “Obvious to try” a modification or combination of references does not establish *prima facie* obviousness.

In order to properly establish a *prima facie* case of obviousness, there must be found some reason or suggestion in the prior art or other evidence of record that would have led one of ordinary skill in the art to produce the claimed invention. Reconsideration of the rejection is respectfully requested.

Allowable Subject Matter

Original claim 7 has been rewritten into independent claims 7-8, which are believed to be allowable.

New Claim

Claim 9 has been added. The basis of claim 9 is found at page 10, line 26 to page 11, line 25. Neither of the cited references disclose or teach the invention recited in claim 9.

In view of the aforementioned amendments and accompanying remarks, claims 1-9, as

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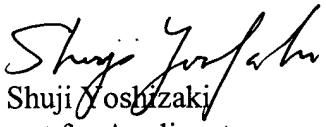
herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. The Limited Recognition of the agent is attached.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Limited Recognition

Attachment: limited Recognition

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